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Committee on the Elimination of Discrimination against Women

Thirtieth session

Summary record of the 633rd meeting
Held at Headquarters, New York, on Wednesday, 14 January 2004, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second report of Kyrgyzstan (*continued*)
(CEDAW/C/KGZ/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*

Articles 10-14 (*continued*)

2. **Ms. Popescu Sandru** stressed the importance of equal access to health services, which could be difficult in times of economic transition, and asked for more information about the high rates of maternal and infant mortality mentioned in the latest report and the apparent decline in the State health budget. She was also concerned by the problems in accessing health services experienced by vulnerable groups owing to poverty and the levels of co-payments. The report mentioned the relatively high incidence of underweight girls, which might be due to discrimination in access to proper nutrition, and the continued spread of tuberculosis and sexually-transmitted diseases among women. The fact that the rates of alcohol and drug addiction among women was rising was also disturbing.

3. **Ms. Šimonović** asked for clarification regarding the legality of voluntary termination of pregnancy as a means of family planning, as the wording in the report taken from the law on reproductive rights was unclear. It was also unclear whether such terminations of pregnancy were allowed only with the consent of both partners or simply with the consent of the woman.

4. **Ms. Tavaras da Silva** asked for clarification with regard to the incidence of women working in unfavourable conditions. The situation described in the report seemed to indicate some discrimination against women in that regard and seemed to be at variance with new laws. Noting references in the report to continued significant gaps between men's and women's wages in various sectors, she asked which sectors showed the greatest gaps. The report also described significant differences between men and women in the hours worked in the home. How were such problems dealt with under the new law on gender equality? On the general question of equalizing economic opportunity for women, she asked whether the new law made it possible, for instance, to annul collective bargaining agreements that appeared to favour men.

5. **Ms. Kangeldieva** (Kyrgyzstan) said that under the law a woman, with the agreement of the medical services, had the right to terminate her pregnancy within the first 12 weeks and that legal abortions were performed in State and private clinics. Such procedures were, however, not intended to serve as a means of family planning; the wording in the report was misleading in that regard. The State was working to discourage resort to abortion, the incidence of which had declined by one third since 1999. National campaigns on reproductive health sought to increase information about and access to modern methods of family planning.

6. **Ms. Kudaiberdieva** (Kyrgyzstan) wished to address a question raised earlier about the reform in the health services and the cuts in medical personnel. The old health system had been plagued with overstaffing, duplication, inefficiency, excessive expenses and inadequate materials. The new system sought to improve coordination and the quality of equipment and materials and raise the quality of services by tightening the rules for qualification and the standards of care. Many specialists had been retrained as family doctors and a network of family doctor centres had been established. The problem of doctor shortages in the countryside, particularly obstetricians/gynaecologists, remained difficult to solve, as city doctors often did not want to relocate to rural areas. With the shift to a market economy, a network of private clinics had developed, where a number of the former State medical service doctors chose to work. Furthermore, some medical personnel had left the field owing to the generally low level of salaries.

7. In reply to a question about the registration of victims of family violence, she reported that the Ministry of Health was responsible for keeping statistics and information on all cases where treatment had been given. Those responsibilities also included contributing medical information that might be needed as legal evidence. With regard to the question on nutrition, low-weight girls and the problem of anaemia during pregnancy, she indicated that various national programmes had been developed, with outside donor assistance, to assist prenatal and maternity clinics and improve medical care, especially in smaller towns and the countryside. Seminars on nutrition and the control of epidemics and disease had been organized. Enriched flour with iron and microelement supplements was now

being produced by a few private companies, and a pilot programme had been organized involving family doctor and village health centres in remote and mountainous regions to promote cultivation and consumption of mineral- and vitamin-rich vegetables.

8. **Mr. Shagivaliev** (Kyrgyzstan) said that the cyanide spill accident in May 1998 affecting the Barskoon River and Lake Issyk-kul had amounted to only about one half ton of cyanide, thanks to quick action taken by the gold mining company and the Government. Medical and environmental monitoring had been started immediately and was continuing, although, given the quick loss of cyanide toxicity in the river and lake environment, the danger had long since passed. No human lives had been lost directly as a result of the incident, although the psychological damage had been extensive, in terms of the loss of confidence on the part of the local population and tourists. Compensation had been paid to those able to prove damage or injury, and charges have been brought against those responsible. The river and lake were now entirely safe.

9. **Ms. Kurbanova** (Kyrgyzstan) said, with regard to a question about the mass media and gender strategies, that the National Council on Women, Family and Gender Development was working with the mass media to develop a gender strategy aimed at overcoming gender stereotypes and presenting new gender roles, including the promotion of female leadership. An information network had been developed to provide journalists with relevant information on gender issues and gender policy. Competitions for journalists had been organized to encourage coverage of events relating to gender policy.

10. Similarly, the Council was working, in the context of the National Plan of Action for Achieving Gender Equality, with higher educational institutions to encourage and support studies on gender issues, in particular a gender approach to education through the analysis of existing educational materials and the development of new methodologies, curricula and materials. Gender issues also featured in courses at the university level on human rights and democracy. Some dissertations were already being prepared on human rights problems from a gender perspective and interdisciplinary specialists in human rights, gender policy and constitutional law were being trained.

11. **Ms. Kudaiberdieva** (Kyrgyzstan), responding to the question (concerning article 12 of the Convention), said that the Government had set up a number of programmes to combat drug and alcohol abuse. A drug treatment centre had been opened in Bishkek, and a 50-bed clinic had been set up in the south of the country. The State programme to counter the spread of drug addiction and the illegal sale of drugs in the Kyrgyz Republic for the period 2001-2003 had included preventive measures, measures to improve the legal basis for drug control and crime prevention and medical and social elements. It also included strategies to prevent the spread of HIV/AIDS among vulnerable groups, establish rehabilitation facilities, continue methadone therapy programmes, improve emergency psychological assistance provided to victims, disseminate information on healthy living and procure access to preventive action groups for minors from high-risk sections of the population.

12. To ensure the coordination of activities in those areas, the Government had also established an Intersectoral Council for the Prevention of the Spread of Alcoholism and Drug Addiction in the Kyrgyz Republic. Fifty-two per cent of the funding for drug and alcohol treatment centres was provided under the State budget, and much of the remaining funding came from international organizations. Government action to combat drug and alcohol abuse had yielded some positive results: significant numbers of women were enrolling in needle-exchange programmes and in the free methadone therapy programme.

13. During the reporting period, the first State Programme for the Prevention of HIV/AIDS and Sexually Transmitted Diseases and Diseases Transmitted by way of Injection for the period 1997-2000 had been created. It had worked with vulnerable sections of the population, such as commercial sex workers and migrants, and had led to the promulgation of a law on the prevention of HIV/AIDS and the establishment of a multisectoral committee to combat sexually transmitted diseases. The second State Programme, for the period 2002-2005, had been approved by the Government in 2001. Its implementation was based on nine strategies, inter alia, reducing the vulnerability of high-risk individuals, developing educational and awareness-raising programmes on the prevention of HIV/AIDS and providing medical and social support for persons infected with HIV/AIDS and members of their families.

14. One of the most important tasks in the fight against the spread of HIV/AIDS was the prevention of mother-to-child transmission. Therefore, within the

framework of the second State Programme, prenatal testing was being carried out and educational programmes targeting women of reproductive age had been introduced. In that regard, the United Nations Development Fund for Women (UNIFEM) had played a significant role in educating women about the risks of HIV/AIDS. Lastly, with reference to the law on the reproductive rights of citizens of the Kyrgyz Republic, she acknowledged that the wording of the section concerning consent to medical intervention during pregnancy was unsatisfactory and required modification. Nevertheless, she wished to stress that the wording had been chosen in good faith in order to emphasize the fundamental importance of the woman's participation in any decision-making process relating to her pregnancy.

15. **Ms. Alysheva** (Kyrgyzstan) said that the basic indicators for determining the presence of unfavourable working conditions for women were environmental factors, such as dust and gas in the air, and that the indicators for 2002 showed an improvement in the situation. In Kyrgyzstan, collective bargaining between employers and employees, monitored by representatives of trades' union organizations, was the primary method of ensuring proper working conditions. Nevertheless, in early 2000, the Ministry of Labour and Social Protection had created the State Labour Inspectorate, which was responsible for identifying cases of unfavourable working conditions and taking the necessary measures to improve matters. During the first nine months of 2003, the Inspectorate had identified 55 such cases and, in each one , the employer had provided satisfactory compensation to the injured party.

16. The wage gap between women and men was linked to the persistence of horizontal and vertical segregation. Men generally occupied higher-paid posts, and women tended to be employed in less lucrative sectors of the economy. Within the framework of the National Poverty Reduction Strategy, the Government had taken a number of measures to improve the situation, such as enhancing employment and remuneration prospects in the health and education sectors.

17. As far as unpaid domestic work was concerned, women spent an average of four to five hours on housework whereas men spent only one hour. That disparity was partly attributable to the Kyrgyz mentality, according to which women traditionally played the role of mother and home-maker. However, although much still remained to be done at the local-government level and by non-governmental organizations, some progress had been made: in accordance with articles 19 and 20 of the new law on State guarantees to safeguard gender equality: men were required to spend as much time as women on domestic activities (such as cleaning, laundry and gardening) and recognition for time spent on housework was guaranteed. Lastly, there were no constitutional or legal restrictions concerning the potential beneficiaries of loans and microcredits, but women were often prevented from obtaining loans on account of a lack of collateral. The most recent analysis on microcredits had shown that women living in villages accounted for around 42 per cent of all recipients.

18. **Ms. Kudaiberdieva** (Kyrgyzstan) observed that the existing law on the private ownership of land was restrictive, in that it prohibited, inter alia, the division of plots of land. When the agrarian land reforms had first been introduced and the moratorium on the sale of land had been lifted, the law in question had proved useful in preventing the fragmentation of plots of agricultural land. While peasant farmers were able to keep their land and therefore had a guaranteed source of income, it had given rise to discrimination where, for instance, a divorced couple were unable to divide the joint estate equally because part of it consisted of land. To reduce such discrimination, a draft set of amendments to the law providing for exceptions to the ban on the division of plots in the case of divorce was currently being considered by Parliament. Lastly, she informed the Committee that, in December 2003, the President of the Kyrgyz Republic had made a State visit to Norway, during which an agreement had been concluded whereby, in 2004, the Kyrgyz Republic would receive a grant from the Government of Norway of one million euros to be used in the implementation of women's rights to land and agricultural property.

19. **Ms. Gnancadja** said that, although considerable progress had been made during the reporting period in terms of eliminating discrimination against women, she remained concerned about a number of issues relating to the legal protection for women. The law on social and legal protection from violence in the family did not contain any provisions to prevent domestic violence directed specifically against women, nor did it lay down any specific punishments for the perpetrators of such acts. She requested clarification in that regard. The applicable law in the case of violence against women was unclear since both the law on social and

legal protection from violence in the family and the new law on State guarantees to safeguard gender equality listed a number of bodies that could be notified in the event of an incident. She would be grateful for a simplified chart showing the individual competences of each of those bodies.

20. Turning to the subject of marriage, she enquired as to the minimum age for marriage and expressed consternation at the apparent contradiction between the stated willingness of the Government of the Kyrgyz Republic to fight against discrimination and its tolerant attitude towards bride theft. Lastly, she asked whether any action had been taken within the framework of the National Human Rights Programme for the period 2002-2010 to provide women with equal legislative protection in investigations and court proceedings concerning violence directed against them.

21. **Ms. González Martinez** observed that many of the problems identified by the Committee during its consideration of the initial report of Kyrgyzstan persisted. Women still did not enjoy the same legal protection as men, nor did they have equal access to such protection. Gender-based stereotypes, according to which women were subordinate to men in all areas of life, were still prevalent. She felt that, in spite of the proposed amendments to the law on the private ownership of land, discrimination still existed in that area. There were also inequalities in the health sector.

22. She reiterated the view expressed by the Committee in 1999 that an understanding of discrimination against women as a multifaceted phenomenon entailing indirect and unintentional as well as direct and intentional discrimination was essential for the effective elimir tion of discriminatory practices in both de jure and de facto terms. More needed to be done to implement administrative and legislative measures to minimize discrimination against women and conduct awareness-raising activities in order to reverse the trend of male dominance in Kyrgyz society.

23. **Ms. Belmihoub-Zerdani** asked whether a woman's consent was sought before marriage and whether, when a marriage took place, it was registered and inquired about the possibilities of drawing up a marital contract detailing the terms of the union and of a potential divorce. With regard to children born to a married couple, she asked whether the father alone was regarded as their legal guardian or whether both parents shared that responsibility. In the event of divorce, how was the marital estate divided between the parties? Did a mother who retained custody of her offspring have the right to continue living in the conjugal home? Lastly, she enquired whether couples in Kyrgyzstan had the right to adopt children and, if so, whether the adopted child acquired the nationality of the adoptive mother or the adoptive father. She also wished to know whether the original citizenship of children put up for adoption (i.e. the citizenship of their natural parents) was recorded or whether such children were essentially non-citizens.

24. **Ms. Gaspard** said that, in the next report, statistics on the average age of first marriage for women and men and trends in that area should be provided. Since some cases of polygamy still occurred, she would like to know if polygamous marriages could be registered and what the overall attitude of the Government towards such unions was.

25. **The Chairperson**, speaking in her personal capacity, said that she would like to hear more about the attitude of the authorities towards the customary practice of "bride theft". Although it seemed to be considered a benign tradition mainly performed for show, she was concerned that it sent the wrong message regarding tolerance of violence against women and forced marriage.

26. **Mr. Shagivaliev** (Kyrgyzstan) said that, like other forms of violence, violence against women and family violence were punished under the criminal code. The recent law on family violence was more preventive in approach. For example, it provided mechanisms for restraining orders and orders of protection against a violent partner. The minimum age of marriage under the Family Code of August 2003 had been set at 18 for both men and women. In exceptional cases, local bodies could lower the age to 16.

27. With regard to the apparent tolerance of the custom of "bride theft", abduction of women and forced marriage, the State condemned the practice as an outdated custom. The agreement of both the man and the woman was necessary; otherwise criminal charges would be brought, especially if violence was involved. Kyrgyzstan was a secular State that recognized only registered civil marriages. Polygamous unions could not be registered, and thus could give rise to criminal charges. There had been a decline in recent years in the overall number of marriages, but most first marriages were among those between ages 20 to 24.

Marriages could be dissolved only through legal proceedings, which either spouse could initiate. Under the Family Code, both spouses had equal rights in the division of property. Custody of children was decided on a case-by-case basis by the courts, but in most cases they remained with the mother, who usually also remained in the family home.

28. **Ms. Kurbanova** (Kyrgyzstan), in reply to the questions regarding the citizenship of a child placed for adoption, said that if both parents were unknown, the child had Kyrgyz citizenship. If the adoptive parents were non-citizens, the matter was decided by the courts for minors under age 16. Under the criminal code, a woman had the right to ask law enforcement agencies to give her a temporary restraining order against her husband, which could also restrict access to their children and order him to pay expenses for medical treatment. The mother could also secure a court order that would rescind his property rights if their home was jointly owned and prohibit him from purchasing weapons.

29. **Ms. Morvai** requested further clarification of a woman's right to transmit her Kyrgyz citizenship to her children.

30. **Ms. Gnancadja** asked whether the Family Code allowed women to control their share of the marital property.

31. **Ms. Šimonović** said that she would like clarification as to whether the husband's consent was needed for a woman to have an abortion.

32. **Ms. Kurbanova** (Kyrgyzstan) said that the children of single mothers in cases where the father was unknown were citizens. Where the father was acknowledged and was not a Kyrgyz citizen, however, the process was not automatic.

33. **Ms. Kangeldieva** (Kyrgyzstan) said that any medical intervention during a pregnancy required the agreement of both partners and that a woman could not be forced to have an abortion. She agreed that the wording of the law needed clarification, however.

34. **The Chairperson**, summarizing the dialogue with the delegation, said that the Committee commended Kyrgyzstan for the legislation passed in the area of women's rights. In the next report, it would like to see evidence of its implementation. The Government should enhance its cooperation with civil society organizations and involve them in the preparation of the next report, which would provide an opportunity to raise public awareness of women's human rights. The Committee also commended efforts to combat trafficking in persons and welcomed the information provided on its root causes. It looked forward to hearing about the results of those efforts in the next report. The Committee remained concerned, however, at the re-emergence of discriminatory customs and practices and patriarchal traditions which contradicted the Convention, for example polygamy and kidnapping of women. Combating stereotypes was essential for eliminating discrimination, and she urged the Government to use the legal framework and the Kyrgyz culture of women's empowerment to combat that trend. A gender-sensitive review of traditions and customs seemed to be in order.

35. The underrepresentation of women in political life and the reluctance to establish special temporary measures were also cause for concern, and she drew attention to article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 23. Women's high educational level was an advantage that would help to promote their participation. In the next report, the Committee would like to see gender-disaggregated data on access to health care and employment. Finally, she commended the Government for its ratification of the Optional Protocol, which was a sign of its political will to implement the Convention.

The meeting rose at 5.05 p.m.